IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 27610 of 1995

Between:

P.Gurupal S/O.P.Doraiswamy Pillai,
U.D.C., Operation Circle, A.P.S.E.Board, Tirupati,
Chittor Dist.

..... PETITIONER

AND

1 The Member-Secretary, A.P.S.E.Board,
Vidyuth Southa, Somajiguda,
Hyderabad
2 The Superintending Engineer, Operation Circle,
Tirupati, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus direction the respondents to revise the seniority of the petitioner in the cadre of UDC as per the seniority reflected in the cadre of LDC and consequently promote him retrospectively i.e. November 1981 or when his junior was promoted as UDC; to give notional increments for the period when he was under suspension till date of dismissal and to treat the said period as on duty for the purpose of earning notional increments; to restrain the respondents from recovering the alleged pecuniary loss caused from the salary of the petitioner and to return the amount already collected from his salary from the month of may 1991 and pass.

Counsel for the Petitioner: MR.M.V.K.VISWANADHAM

Counsel for the Respondents: MR.SAMINENI KISHORE

The Court made the following :

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 27610 of 1995

ORDER:

When the matter is taken up for hearing, Sri Samineni Kishore, learned Standing Counsel for the respondents, fairly conceded that the matter arising for consideration in this writ petition is squarely covered by the Judgment of this Court in W.A.No.47 of 2001, dated 29-01-2001. Therefore, for the very same reasons stated in the said judgment, this writ petition also needs to be allowed.

2. However, the learned counsel for the petitioner further stated that apart from the above settled issue, there is another issue to be decided in this writ petition and as such a direction needs to be given to the respondents to restrain them from recovering the alleged pecuniary loss caused to the Board from the salary of the petitioner. In support of his contention, he placed reliance on a Memo dated 13/14-10-1995, issued by the Assistant Accounts Officer, Electricity, Revenue Office, Palamaner, wherein it is stated that:

> "With reference to the above representation, I am to intimate that there are no c.c. charge dues pertaining to the period ending 31-03-1977 as verified in the computer ledger for 7/95 demand in respect of the services under Bangarupalyam Mandal as mentioned in the reference cited."

4. The learned Standing Counsel for the respondents produced the parawise remarks, which were received by the then Standing Counsel. In the parawise remarks, it is stated that the Assistant Accounts Officer, Palamaner, is not empowered to issue clearance Certificate with reference to the computer ledger for 7/95 demand and as such the said Certificate is invalid.

5. In the light of the submissions made by the counsel for the petitioner, I

consider it appropriate to direct the petitioner to make a representation before the respondents as to the recovery sought to be made and the representation, made shall be considered by the respondents within a period of two months from the date of receipt of the said representation.

6. In the result, the writ petition is allowed as indicated above. No order as to costs. The Office shall enclose a copy of the judgment in W.A.No.47 of 2001 to this order.

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February 21, 2005

KVR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Monday the Twenty First day of February, two thousand and five.

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ASSISTANT REGISTRAR

21st February, 2005

Kvr

// True Copy //

Section Officer

To

1 The Member-Secretary, A.P.S.E.Board,
Vidyuth Southa, Somajiguda,
Hyderabad
2 The Superintending Engineer, Operation Circle,
Tirupati, Chittoor Dist.

3. Two C.D.copies.